

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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Martin Weinstein

Plaintiff,

12 **CIVIL** 4036(LAK)(HBP)

-against-

**JUDGMENT**

City of New York, New York City  
Department of Education, Dennis Walcott *Chancellor, all  
sued in their official and individual capacity*  
Defendants.

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Whereas on February 28, 2014, the Honorable Henry B. Pitman, United States Magistrate Judge, to whom this matter was referred, having issued a Report and Recommendation (the “report”) recommending that defendants’ motion to dismiss pursuant to Fed. R. Civ. P. 9(b) and 12(b)(6) be granted, and the matter having come before the Honorable Lewis A. Kaplan, United States District Judge, and the Court, on March 31, 2014, having rendered its Order; granting defendants’ motion to dismiss the complaint on the ground that it fails to state a claim upon which relief may be granted or to plead fraud with the necessary particularity, for the reasons including those stated in the report and recommendation of Henry B. Pitman, United States Magistrate Judge, and overruling plaintiffs’ objections, it is,

**ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated March 31, 2014, Defendants’ motion to dismiss is granted on the ground that it fails to state a claim upon which relief may be granted or to plead fraud with the necessary particularity and for the reasons including those stated in the report and recommendation of Magistrate Judge Henry B. Pitman, dated February 28, 2014. Plaintiffs’ objections are overruled.

**Dated:** New York, New York

March 31, 2014

**RUBY J. KRAJICK**

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**Clerk of Court**

**BY:**



A handwritten signature in cursive script, appearing to read "Gerardo Modica".

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**Deputy Clerk**